



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 1990

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Honorable Marvin Leath
House of Representatives
Washington, D.C. 20515

Dear Mr. Leath:

Thank you for your letter of March 1, 1990, on behalf of your constituent Mr. Conner S. Scott, who wanted clarification concerning the effect on closed tanks on the Federal regulations for underground storage tanks (USTs).

Let me begin by providing some background on these new rules. In 1984, Congress responded to the increasing threat to ground water from leaking USTs by adding Subtitle I to the Resource Conservation and Recovery Act. This section of the law required the Environmental Protection Agency to develop a comprehensive regulatory program for USTs. Congress directed us to publish regulations that would require tank owners and operators to prevent and detect leaks from new tanks and tanks already in the ground, to clean up leaks from these tanks, and to show that they are financially capable of cleaning up any leaks that could occur and compensating third parties for any damages resulting from such leaks. For your constituent's information, I have enclosed copies of two brochures ("Musts for USTs" and "Dollars and Sense") that summarize the regulations in "plain English."

According to your constituent's letter, the Phillips brothers' USTs have not been in operation since approximately 1980. Based on this information these tanks are not subject to the Federal closure requirements unless the implementing agency decides this action is necessary. Each state implementing agency can design a regulatory program based on their state's needs and the Texas Water commission has adopted closure requirements different from the Federal standards. These more stringent rules reflect the State's choices about how best to protect their groundwater.

I hope that the information we have provided will be helpful to you in responding to your constituent. Please do not hesitate to contact me if I can be of any additional assistance.

Sincerely,

[Unknown Signer/Signature]